



Entered on Docket
August 30, 2011

A handwritten signature in black ink, appearing to read "Linda B. Riegle", is written over a horizontal line.

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

Robert M. Charles, Jr. (NV 6593)
John Hinderaker (AZ 018024)
Marvin Ruth (NV 10979)
3993 Howard Hughes Parkway, Ste. 600
Las Vegas, Nevada 89169-5996
Telephone (702) 949-8320
Facsimile (702) 949-8321
Email: rcharles@lrlaw.com
jhinderaker@lrlaw.com
mruth@lrlaw.com

Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR
Chapter 11

**Order Sustaining Tenth Omnibus
Objection Of USACM Trust To Proofs Of
Claim Based In Whole or In Part Upon
Investment In The Placer I Loan; Except
Morris Massry Claim, and Notice of
Continued hearing re Morris Massry
Claim Only**

Hearing Date: July 26, 2011
Hearing Time: 1:30 p.m.

The Court having considered the "Tenth Omnibus Objection Of USACM Trust To Proofs Of Claim Based In Whole or In Part Upon Investment in The Placer I Loan." ("Placer I Loan") [DE 8449] (the "Objection"); the Court having heard the Objection on July 26, 2011; appropriate notice of the Objection having been given; a response having been received on behalf of Morris Massry [DE 8669]; no other responses to the Objection

1 having been filed; the Court noting on the record that the disallowance of the Claims listed
2 on Exhibit A does not affect the direct lenders' right to repayment by the borrower or from
3 the collateral securing the Placer I Loan; and good cause appearing:

4 **IT IS ORDERED** that:

- 5 1. The Objection [DE 8449] is sustained; and
- 6 2. The claims listed on **Exhibit A** attached, except claim No. 10725-01898
7 filed on behalf of Morris Massry, are disallowed to the extent those claims are based upon
8 an investment in the Placer I Loan.
- 9 3. Claim No. 10725-01898 filed by Morris Massry is continued for hearing on
10 August 30, 2011 at 10:30 a.m. and notice is hereby given.

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12 PREPARED AND RESPECTFULLY SUBMITTED BY:

13 **LEWIS AND ROCA LLP**

14
15 By /s/ John Hinderaker (AZ #018024)
16 Robert M. Charles, Jr.
17 John Hinderaker (*pro hac vice*)
18 3993 Howard Hughes Parkway, Ste. 600
19 Las Vegas, Nevada 89169-5996
20 Telephone: (702) 949-8320
21 Facsimile: (702) 949-8321

22 *Attorneys for USACM Liquidating Trust*
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LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

_____ This Court has waived the requirement set forth in LR 9021(b)(1).

_____ No party appeared at the hearing or filed an objection to the motion.

XXX I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: _____

_____ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: <u>Erika C. Browne,</u> <u>Attorney for Morris Massry</u>	
<input checked="" type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

s/ Erika C Browne

Erika C. Browne

Segel, Goldman, Mazzotta & Siegel, P.C.

9 Washington Sq.,

Albany, NY 12205

Tel. 518-452-0941

e-mail: ebrowne@sgmalbany.com

Attorneys for Morris Massry

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Submitted by:
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)
Attorneys for USACM Liquidating Trust

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